

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

QUENTRELL WILLIAMS,

Plaintiff,
v. Case No. 19-cv-1697-pp

BRIAN FOSTER, *et al.*,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION TO USE FUNDS FROM RELEASE
ACCOUNT TO PAY INITIAL PARTIAL FILING FEE (DKT. NO. 8)**

Plaintiff Quentrell Williams, a Wisconsin state prisoner who is representing himself, filed a civil rights complaint under 42 U.S.C. §1983, dkt. no. 1, along with a motion for leave to proceed without prepayment the filing fee under 28 U.S.C. §1915, dkt. no. 2. The court ordered the plaintiff to pay \$0.57 as an initial partial filing fee. Dkt. No. 11. The court advised the plaintiff that after he paid this amount, the court would determine whether the case could proceed. *Id.* On December 6, 2019, the plaintiff filed a motion asking the court to authorize him to use his release account to pay the initial partial filing fee. Dkt. No. 8.

“In no event shall a prisoner be prohibited from bringing a civil action . . . for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.” 28 U.S.C. § 1915(b)(4). A prisoner can use his release account to satisfy an initial partial payment if no other funds are available. Robinson v. Tegels, No. 13-CV-198-WMC, 2013 WL 1192485, at *1

(W.D. Wis. Mar. 22, 2013) (citing Carter v. Bennett, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). “[I]f a petitioner does not have sufficient funds in his regular account to pay the full amount of the initial partial payment assessed to him, then prison officials will draw funds first from the prisoner’s regular account and any portion of the initial partial payment remaining from the prisoner’s release account fund.” Carter, 399 F. Supp. at 937.

The court will allow the plaintiff to use his release account to pay the initial partial filing fee. The plaintiff should show a copy of this order to prison officials so that they are aware that they should first draw funds from his regular account, and when no other funds are available in the regular account, they then should draw funds from the release account for the remaining balance of the initial partial filing fee.

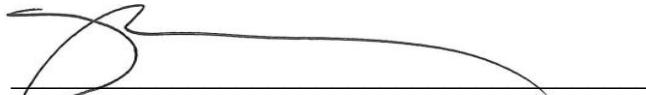
The court **GRANTS** the plaintiff’s motion to use his release account to pay the initial partial filing fee. Dkt. No. 8.

The court **ORDERS** that the agency having custody of the plaintiff shall collect **\$0.57** from the plaintiff’s institution trust accounts and shall forward that sum to the Clerk of Court, on or before **March 2, 2020**. The agency shall first draw funds from the plaintiff’s regular account, and when no other funds are available in the regular account, shall draw the remaining balance of the initial partial filing fee from the plaintiff’s release account.

The court will send a copy of this order to the officer in charge of Waupun Correctional Institution, where the plaintiff is confined.

Dated in Milwaukee, Wisconsin this 10th day of February, 2020.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge